

UNITED STATES DISTRICT COURT

AUG - 1 2017

for the
Western District of VirginiaBY: JULIA C. DUDLEY, CLERK
DEPUTY CLERK
*E. S. S.*In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)16258 Mill Creek Road
Chilhowie, VA

Case No. 1:17-mj-141

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Western District of Virginia (identify the person or describe property to be searched and give its location): 16258 Mill Creek Road, Chilhowie, VA (to include the residence, curtilage, outbuildings, structures, campers, persons present, and vehicles present. Attachment A consists of a photograph of the residence).

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 21 U.S.C. § 846/841(a)(1), and the application is based on these facts: See Attachment C and/or 841(a)(1)

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Brian Snedeker
Applicant's signature

Brian Snedeker, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/1/17

Pamela Meade Sargent
Judge's signature

City and state: Lebanon, Virginia

Pamela Meade Sargent, USMJ

Printed name and title

ATTACHMENT C

AFFIDAVIT of
Special Agent Brian Snedeker
Drug Enforcement Administration
Bristol, Virginia

1. I, Special Agent Brian Snedeker, being duly sworn hereby depose and say:
2. The purpose of this application and affidavit is to secure a search warrant for the premises known as 16258 Mill Creek Rd, Chilhowie, VA. This affiant, after obtaining and reviewing information, believes there is evidence of conspiracy to manufacture methamphetamine and/or manufacturing methamphetamine at 16258 Mill Creek Rd, Chilhowie, VA in violation of 21 USC 846/841(a)(1) and 841(a)(1).
3. I am a Special Agent with the Drug Enforcement Administration (DEA) and have been so employed for approximately (26) years. During my employment I have received comprehensive classroom training from the Drug Enforcement Administration in specialized narcotic investigative matters including but not limited to drug interdiction, drug detection, money laundering techniques and schemes, smuggling, and the investigation of individuals and organizations involving the smuggling, cultivation, manufacturing, and illicit trafficking of controlled substances and controlled substance precursors. I am a graduate of both the DEA's Clandestine Laboratory Investigation/Safety Certification Program and the DEA's Clandestine Laboratory Site Safety Officer School. I have participated in the execution of more than (300) narcotics related search warrants and the seizure and dismantling of more than (200) clandestine methamphetamine laboratories. I have testified as an expert on multiple occasions in Federal Court and State Court regarding the clandestine manufacturing of methamphetamine.
4. The facts set forth in this affidavit are known to me as a result of my personal participation in the investigation of Danny Hamm and Nacole Slagle, and information provided to me by other law enforcement officers.
5. The manufacturing of methamphetamine (a Schedule II Controlled Substance) by way of the ammonium nitrate/lithium metal method (also known as the "shake and bake" or "one pot" method) requires pseudoephedrine/ephedrine (obtained through the processing of cold/allergy pills, tablets, gelcaps, and liquids containing pseudoephedrine or ephedrine), ammonium nitrate (found in instant cold packs), and lithium metal (found in lithium batteries). Other chemicals/ingredients commonly used during the ammonium nitrate/lithium metal method include sodium hydroxide (e.g. Red Devil Lye), petroleum ether/petroleum naphtha/white gas (e.g. Coleman Fuel, lighter fluid), acetone, muriatic acid, sulfuric acid, table salt, and aluminum foil. Equipment/tools commonly used during the manufacturing of methamphetamine include soda bottles, glass mason jars, plastic food storage containers, plastic tubing, electrical tape and/or duct tape, coffee filters, pipe cutters (often used to open lithium batteries), Ziplock-type plastic bags, frying pans/electric skillets/propane burners (to dry the methamphetamine), razor blades, digital scales, funnels, and stirring utensils.

6. Individuals who manufacture methamphetamine usually use and sell/trade the methamphetamine they manufacture. These manufacturers routinely have other persons (hereafter referred to as "shoppers") assist them in the purchasing of precursors, chemicals, and equipment/supplies needed to manufacture methamphetamine. Manufacturers will regularly pay shoppers in methamphetamine (to use and sell) and/or cash for their assistance.
7. Individuals who are involved with the manufacturing of methamphetamine often purchase/attempt to purchase unusually large quantities of pseudoephedrine. Such purchases/attempted purchases often occur when the individual should have a day to multi-day supply of pseudoephedrine left over from the most recent purchase if said individual was taking the maximum dosage pursuant to dosage instructions. Individuals involved with the manufacturing of methamphetamine oftentimes purchase instant cold packs (ammonium nitrate) on or about the same dates they purchase pseudoephedrine.
8. This affiant recently reviewed pseudoephedrine sales data provided by a number of retailers (as required under The Combat Methamphetamine Epidemic Act of 2005) and instant cold pack sales data provided by retailers who maintain such data and noted the following information related to Danny Hamm and Nacole Slagle since April 2017 :
 - On 04-05-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine.
 - On 04-09-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
 - On 04-15-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine and an instant cold pack.
 - On 04-19-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
 - On 04-24-2017, Danny Hamm attempted to purchase a (10) day supply of pseudoephedrine.
 - On 04-30-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine.
 - On 05-02-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
 - On 05-10-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine and an instant cold pack.
 - On 05-16-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
 - On 05-21-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine.

- On 05-26-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
- On 06-01-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine.
- On 06-06-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
- On 06-10-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine.
- On 06-14-2017, Danny Hamm attempted to purchase a (10) day supply of pseudoephedrine.
- On 06-15-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
- On 06-19-2017, Nacole Slagle attempted to purchase a (10) day supply of pseudoephedrine.
- On 06-20-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine.
- On 06-25-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
- On 06-30-2017, Nacole Slagle attempted to purchase a (10) day supply of pseudoephedrine.
- On 07-01-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine.
- On 07-08-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
- On 07-11-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine.
- On 07-18-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.
- On 07-21-2017, Nacole Slagle purchased a (10) day supply of pseudoephedrine and an instant cold pack.
- On 07-28-2017, Danny Hamm purchased a (10) day supply of pseudoephedrine.

9. Pseudoephedrine and ammonium nitrate (instant cold packs are key ingredients to the manufacturing of methamphetamine via the ammonium nitrate/lithium metal method.

During the last several years, this affiant has routinely found and seized (via search warrants and consent searches) the aforementioned ingredients (and packaging of same) at methamphetamine manufacturing/precursor preparation sites. This affiant has encountered and seized said ingredients at such sites in various forms/stages (e.g. sludges/mixed with liquids) related to methamphetamine production and contained in a variety of glass and plastic containers days, weeks, and even months after the ingredients were purchased at pharmacies/retail stores.

10. Methamphetamine laboratory chemicals and waste were seized by law enforcement from Danny Hamm's former residence in West Virginia during 2005. Hamm admitted (to law enforcement) manufacturing methamphetamine and was initially charged with operating/attempting to operate a methamphetamine laboratory. Hamm subsequently pled guilty to a charge of Attempt to Commit a Felony Offense.
11. This affiant is aware based on his training, experience, and conversations with other law enforcement officers that individuals who illegally manufacture methamphetamine and/or conspire to do so typically maintain methamphetamine manufacturing precursors/chemicals/equipment (as described in paragraph #5 above) along with receipts / notes / records / telephone numbers (as they pertain to manufacturing/conspiracy to manufacture), and other items as listed and explained on Attachment B (of the Application and Affidavit for Search Warrant to which this affidavit is attached) on their persons, inside their residences, garages, outbuildings/barns, campers, vehicles (or the vehicles they operate), and inside of vehicles registered to other persons when those vehicles are parked at the manufacturer's/conspirator's residence/property.
12. Individuals who manufacture methamphetamine and/or conspire to do so routinely have persons who are methamphetamine users and/or additional co-conspirators (i.e. shoppers) present at their residences/properties. These users/co-conspirators often illegally possess methamphetamine and methamphetamine use paraphernalia and routinely possess notes, stored telephone numbers, and messages pertaining to their relationships with methamphetamine manufacturers / manufacturing co-conspirators. These users/co-conspirators are oftentimes in possession of other items as listed and explained on Attachment B (of the Application and Affidavit for Search Warrant to which this affidavit is attached) and possess these items on their persons and in their vehicles (or the vehicles they operate) which are oftentimes parked at the drug manufacturer's/co-conspirator's residences/properties.
13. Danny Hamm's and Nacole Slagle's known residence is 16258 Mill Creek Rd, Chilhowie, VA.
14. Based upon the facts set forth above, I believe that there is probable cause for the issuance of a search warrant for the premises known as 16258 Mill Creek Rd, Chilhowie, VA (located within the Western District of Virginia) as there is probable cause to believe that there is evidence of a violation of 21 USC 846/841(a)(1) and/or 841(a)(1) at said premises.

Brian Snedeker

Brian Snedeker, Special Agent (DEA)
Affiant

8-1-2017

Date

Subscribed and sworn to before me, this the 1st day of August, 2017
in Lebanon, Virginia.

Pamela Meade Sargent
Pamela Meade Sargent
United States Magistrate Judge
Western District of Virginia